

GUIDANCE FOR THE CONDUCT OF CHURCH SERVICES AND OPERATIONS DURING THE COVID-19 PANDEMIC

Executive Order 20-16 (“EO 20-16”) states that conducting or attending religious services is an essential function and cannot be prohibited by local orders. However, the conduct of any essential function—including performing or attending a religious service—must comply with the provisions of EO 20-16, subparagraph 9(c). That subparagraph states:

All individuals performing essential functions authorized by this order must—to the extent possible without significant disruption to essential functions—use telework capabilities to avoid meeting in person; and any essential functions being performed on-site or in-person must—to the extent possible without significant disruption to essential functions—follow appropriate safety protocols, including maintaining a six-foot distance between individuals and following other directives regarding social distancing, hygiene, and other efforts to slow the spread of COVID-19.

Accordingly, this guidance is offered to clarify the obligations of clergy, church staff, and churchgoers under subparagraph 9(c). In particular, this guidance clarifies what the phrases “appropriate safety protocols” and “other directives regarding social distancing, hygiene, and other efforts to slow the spread of COVID-19” include in the context of church operations.

Under Executive Order 20-16, churches may continue services if they comply with the following provisions:

1. Churches should use online, radio, and other telecommunications tools wherever possible to conduct services or other church operations without congregating in-person.
2. If a church is unable to use online, radio, or other telecommunications tools, a church conducting in-person services or operations must comply with the following requirements, which by this guidance are hereby determined not to significantly disrupt church services:
 - a. Maintain a six-foot distance between individuals;
 - b. Disinfect all doorknobs and other commonly touched surfaces both before a service begins and again before the service ends; and
 - c. Refrain from passing offering plates, communion trays, or other implements that may be repeatedly touched.
3. Additionally, churches must comply with any local “mass gathering” prohibition that is more restrictive than Executive Order 20-14.

- a. Executive Order 20-14 supersedes less restrictive local “mass gathering” executive orders but does not supersede more restrictive local “mass gathering” orders. The provisions of any local orders that impose more restrictive “mass gathering” prohibitions are still in effect and must be followed by churches unless the local order exempts churches from its prohibitions. Such more restrictive orders include any local “mass gathering” order or provision that prohibits gatherings of more than 10 individuals and does not exempt churches.
- b. Additionally, Executive Order 20-14 itself requires individuals attending religious services to “engage in appropriate social distancing.” The phrase “appropriate social distancing” includes following local “mass gathering” or other public health orders that are not superseded by a state executive order.